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## Discussion Paper

# Commercial Fisheries Licensing Policy For Eastern Canada

Atlantic Fisheries Service

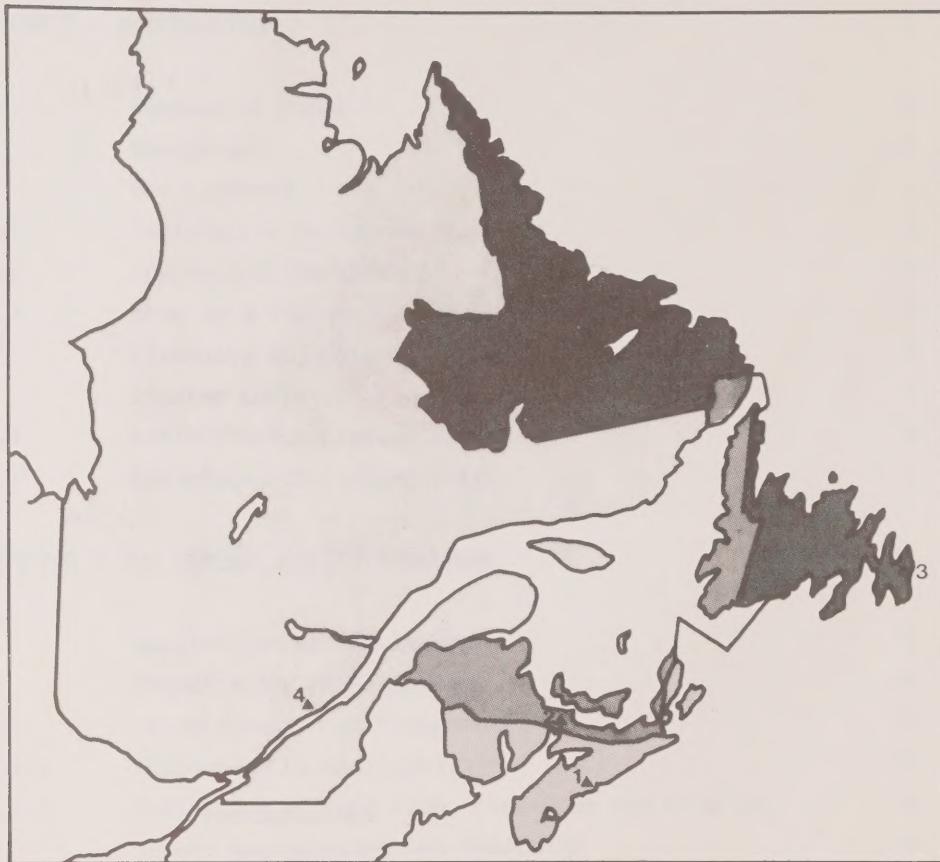
December 1985

Government of Canada



# ATLANTIC FISHERIES SERVICE REGIONS

## RÉGIONS DU SERVICE DES PÊCHES DANS L'ATLANTIQUE



SCOTIA-FUNDY  
SCOTIA-FUNDY

REGIONAL HEADQUARTERS  
BUREAUX RÉGIONAUX

1. Halifax

GULF  
GOLFE

2. Memramcook (Moncton)

NEWFOUNDLAND  
TERRE-NEUVE

3. St. John's

QUEBEC  
QUÉBEC

4. Quebec/Québec



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## COMMERCIAL FISHERIES LICENSING POLICY - EASTERN CANADA

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## CHAPTER ONE

### **1. INTRODUCTION**

Licensing policies for the marine fisheries of Eastern Canada must take into account the fact that for the most part, the fishing industry tends to be located in areas of scarce alternative employment opportunities, but that completely unregulated entry to the fishery can lead to over-capitalization, elimination of net returns above costs and even to resource depletion. Added to this background is a situation where, in virtually every fishery throughout the Atlantic, sufficient or even excess fishing capacity already exists. Furthermore, the resource and the social and economic forces in play vary tremendously from area to area.

The federal Department of Fisheries and Oceans' approach to licensing favours limiting access to the fishery as much as is necessary to provide for an orderly harvesting of the fishery resource and to promote satisfactory incomes to the average participant and, finally, to adopt policies which are consistent where consistency is desirable and practical, while at the same time recognizing that specific unique measures may be necessary for specific fisheries and geographical locations of Eastern Canada.

#### **1.1 PURPOSE OF PAPER**

This paper attempts to provide fishermen and other interested Canadians with a clear, consistent statement of Fisheries and Oceans policy respecting the registration of commercial fishermen and vessels, and the issuance of fishing licences to persons in Eastern Canada. This discussion paper also provides objectives against which the appropriateness and effectiveness of specific policy measures can be evaluated.

It is the Department of Fisheries and Oceans' intention to provide as wide a distribution as possible of this discussion paper in order to provide fishermen and the fishing industry a clearer understanding of the broad parameters under which licensing policy is developed. This discussion paper will be used as a framework in which the Department will consult the fishing industry on industry concerns.

## **1.2 BACKGROUND**

With over-exploitation of certain East Coast fish stocks during the 1960's and early 1970's, severe restrictions on fishing effort were required in order to allow for recovery of these stocks. A series of progressively restrictive measures involving moratoria on the issue of licences and replacement of certain fishing fleet units, reduced catch quotas, shortened fishing seasons and allocation of the catches among users, both in the offshore and inshore sectors, were put in place. Many of these control measures were criticized by industry and fishermen and pressures were brought to bear, particularly in view of perceptions that stocks were recovering, to revamp the several licensing systems presently in place.

In late 1978, an overall review of licensing for the Atlantic Coast was undertaken (The Levelton Study) - the terms of reference for which included:

- (a) Review and evaluate the licensing systems of Canada's East Coast commercial fisheries and provide recommendations concerning the role and type of any future licensing and fee system. (Particular emphasis was placed on the groundfish fishery and its relationships with other fisheries.)
- (b) Consult during the course of the study with fishermen, fish buyers and processors and with provincial administrations.

While this study was being conducted, a freeze was placed on new entrants to the inshore groundfish fishery. The Levelton Report was finalized in April 1979 and released to the public shortly thereafter with invitations that interested parties submit their written comments on the fourteen major recommendations in the report. Numerous such submissions were received.

Beginning in January 1980, a number of the recommendations proposed by the Levelton Study for developing a licensing system responsive to the needs of the fishery in the 1980's commenced to be implemented. Since then more consultations have occurred with fishermen's organizations, processors and provincial government representatives on directions that the fisheries licensing policy should take. In particular, the licensing policy initiatives which were implemented were: the categorization of fishermen, the licensing of freezer trawlers, increased licence fees and the elimination of reserved groundfish licences held in respect of vessels greater than 100' LOA.

In 1982, the Task Force on Atlantic Fisheries was commissioned to recommend "how to achieve and maintain a viable Atlantic fishing industry, with due consideration for the overall economic and social development of the Atlantic provinces." Few government studies have involved as much consultation as this one. A number of the Task Force's recommendations with respect to the licensing of the harvesting sector were accepted by government. These being to:

1. Continue and improve the process begun in 1981 by the Department of Fisheries and Oceans to identify fishermen as full-time or part-time for the purpose of tailoring policies and programs for each group.
2. Adopt the following licensing principles: (a) The licence would pertain to the individual as a quasi-property right (the licence would be on the man, not the boat). (b) The licence would specify

either a limitation on the catch (sometimes called an "enterprise allocation" or a "quota licence") or on the catching capacity of the fisherman's vessel and gear (sometimes called an "effort-related" licence, as now exists in, for example, the lobster fishery). (c) The licence would be divisible and transferable (that is, it could be sold or traded) subject to certain conditions.

### **1.3 WHY LICENSE?**

#### **1.3.1 Legislative Background**

Due to its constitutional responsibility under the British North America Act (1867) for seacoast and inland fisheries, the Parliament of Canada, on behalf of the Canadian public, has the legislative power to regulate the exercise of the public right of fishery where those rights exist. (In non-tidal waters the fishery is the subject of property rights and the responsibility of provincial legislatures.)

Following references to the Privy Council and several court decisions, formal agreements were negotiated during the period 1899 and 1930 between the federal government and a number of provinces. As a result, the federal government made special arrangements concerning day-to-day management for all fisheries in the provinces of Ontario, Manitoba, Saskatchewan and Alberta, and for some fisheries in the provinces of Quebec (where the province manages freshwater and salmon fisheries), and British Columbia (where the province manages freshwater species, excepting salmon). In these six provinces (or areas thereof), federal fisheries legislation is administered by the provincial fisheries management agency, although provincial fisheries regulations must be promulgated by the federal government.

The Constitution Act (1982) assigns legislative responsibility for Canada's sea coast and inland fisheries to the federal government. As such, the federal government has constitutional authority for all fisheries in Canada, and it retains direct management authority for fisheries in the Atlantic Provinces of Newfoundland, New Brunswick, Nova Scotia and Prince Edward Island; for the marine and anadromous salmon fisheries of British Columbia; for the marine fisheries of Quebec; and for the fisheries of the Yukon and Northwest Territories.

### **1.3.2 Theoretical Background**

Marine fisheries are not privately owned or controlled as is the case with many other industries. In 1954, Scott Gordon gave the first theoretical explanation of why common property fisheries, where free access exists, develop excess inflows of labour and capital so that economic returns are below those in other industries. Fishermen, aiming to maximize their incomes, will attempt to catch more fish by continually adding equipment and labour. Because the amount of fish available is finite, no individual operator will restrain the level of fishing effort if there is no assurance that his competitors for that fish will do likewise. This usually results in a fish stock being reduced to the extent that it cannot support an economically viable fishery.

### **1.3.3 What is a licence?**

The word licence has a well recognized meaning in law. It is merely permission to do some act which otherwise would be unlawful to do. By its very nature, a licence passes no interest, nor alters or transfers property in anything. While the consequence and effect of a licence may destroy or alter property, e.g. fish in the case of a commercial fishing licence, it is not property or a property right nor a contract. Therefore, a licence confers neither contractual rights nor vested rights but only makes an otherwise unlawful action lawful.

In this context, a licence is simply the method by which the Minister, as the licensing authority, grants access to the licence holder to a specie of fish for a specified period of time and according to other conditions such as gear to be used and area to be fished. Due to changing conditions, it is in no sense a permanent arrangement. It involves no right of inheritance and it is not a physical commodity that can be placed on a shelf or bartered or sold. As fish stocks and economic conditions fluctuate, it is necessary for the licensing authority to have the flexibility to alter the number of licences. This could involve the issuance of completely new licences or the withdrawal of old licences where the licence holder leaves the fishery or where the licence is not used.

#### **1.4 LICENSING OBJECTIVES**

The licensing objectives of the Atlantic Fisheries Licensing Policy can be summarized in the following points.

- To aid in the conservation of the fisheries resource.
- To promote stability and economic viability of commercial fishing operations.
- To promote equitable distribution of access to the fisheries resource.
- To facilitate administration, information gathering and enforcement.
- To provide for the identification of fishermen who depend on the fishery as a prime or sole source of livelihood so they may be given priorities in the allocation of licences and financial assistance programs.

- To overcome imbalances in numbers of licences held by individuals.
- To devise mechanisms whereby fishermen may be given a greater input respecting the management of fisheries in their areas.
- To control the number of participants relying on fisheries as a source of livelihood to match stock potential for specific fisheries and areas so that the average participant has the opportunity to earn a satisfactory income while at the same time providing a mechanism for new entries and learners.
- To promote a professional status for commercial fishermen.
- To bring orderly development in fleet composition by introducing control measures as to numbers, size and types on new and replacement vessels.

### **1.5 LIMITED ENTRY**

The management practice of limited or restricted entry to specified fisheries has been used in Canadian fisheries for many years; however, until recent years, such management techniques have been applied only to selected fisheries and/or areas. For example, the lobster fishery in the Maritime Provinces was first brought under entry control in the late 1960's; Newfoundland's first experience with the limited entry concept came in 1971-72 when the salmon fishery was declared restricted. The policy, as introduced, was designed to limit the amount of fishing effort on Atlantic salmon stocks to curb the decline in stocks.

Since that time, the emphasis on limited entry as a management technique has increased significantly; and many fisheries throughout Atlantic Canada are managed via this method. The major thrust towards

limited entry results from the crisis situation which occurred in the Atlantic groundfish fishery during the early and mid-1970's.

### **1.5.1 Rationale for Limited Entry**

Policies respecting limited fisheries are implemented for one of two basic reasons or a combination of both: (1) biological, where the emphasis is placed on reducing actual fishing effort in order to conserve fish stocks from further decline; and, as well, to promote rehabilitation, e.g., salmon, herring; (2) economic, where the primary interest is to increase the financial benefits to those individuals who are permitted access - here the primary examples are lobster and crab.

Rarely is a policy of limited entry introduced specifically for one of the above-mentioned purposes, but more often for a combination of both factors. The lobster fishery is an excellent example of such strategies, since even though the initial policy is basically economic in scope (increase financial returns), it fully recognized that the lobster resource is limited and susceptible to large scale over-exploitation (biological consideration).

The economic aspect incorporates a number of other factors that relate to the viability of fisheries. These factors include vessel and gear technology, market, social and processing considerations or constraints.

The "key phrase" that is normally equated with the limited entry technique is "matching the fishing effort to the available resource". This implies the economic rationale within the biological constraint. The objective is to control economic overfishing; that is, too many people harvesting a limited quantity of fish.

Many people suggest that fisheries management should be conducted solely from the biological perspective, implying that quota management should be the only management tool applied. This approach excludes all economic considerations from the management process. The underlying premise is that the availability of fish (quotas) and pricing considerations will dictate the fishing levels in the long term. However, the question must be asked, "Will such a system promote over-capitalization of the fishery and reduce overall incomes to labour and capital invested"?

It is apparent that investment in the harvesting sector in recent years has resulted in a massive build-up of fishing effort; and as a result, decreased earnings in many fishery sectors.

#### **1.5.2 Advantages of Limited Entry**

Earlier assessments of limited entry policies have highlighted the positive advantages of this management approach and in particular, the Levelton Report on Atlantic Coast Licensing outlined 10 positive or practical advantages as follows:

1. It allows for increased incomes to labour and capital involved;
2. It prevents downward pressure on income caused by new entrants in years when returns are good and which continues even when returns deteriorate;
3. It encourages investment because of protection from the dissipation effects on new entry;
4. It provides a basis for improved financing capability by licensed operators. The limited entry fishing privilege increases the credit returns of those participating;

5. It can allow for a more even distribution of benefits or access to the resource between individuals, areas, or provinces;
6. It can provide for a more detailed fishing pattern by participants if it gives assurances that allowed catches will not be taken up very quickly;
7. In some fisheries, it can help prevent depressing effects on average incomes caused by selling or landing quotas, effort limitations, etc., that are imposed by buyers in fisheries characterized by seasonal oversupply conditions;
8. It can aid in resource conservation, if it provides an effective control of effort expended;
9. It will make subsidization of fishing operations unnecessary. Indeed, it will itself be a form of subsidy that does not call for expenditure of public funds;
10. In its most perfect form it can provide a net return to the economy greater than would exist in its absence. This can take the form of a rent component in the income of participants or a substantial resource user fee being paid to the state.

## CHAPTER TWO

### 2. THE GENERAL POLICY FRAMEWORK

#### 2.1 APPLICATION OF POLICY

This policy applies to the registration of fishermen, the registration of fishing vessels and the issuance of fishing licences to engage in commercial fishing in Canadian fisheries waters on the Atlantic Ocean and the NAFO Convention Area. This policy also applies to commercial freshwater fisheries in the provinces of Newfoundland, New Brunswick, Nova Scotia, and Prince Edward Island but not in the province of Quebec or to fishing for anadromous or catadromous fish within the tidal waters of Quebec.

#### 2.2 REGISTRATION OF FISHERMEN

All persons 16 years of age and over participating in commercial fisheries must be registered as commercial fishermen with the Department of Fisheries and Oceans. The issuance of Fishermen Registrations are available on demand except in the province of Newfoundland where a new entrant may only obtain a registration provided he/she has a letter from the skipper/owner of a registered commercial fishing vessel indicating the skipper's intention to employ him/her on the vessel as a crew member.

##### 2.2.1 Categorization of Fishermen

Every person registered as a commercial fisherman shall be categorized as (a) bonafide;  
(b) full-time; or  
(c) part-time

###### 2.2.1.1 Purpose of Categorization

In 1981 fishermen were categorized as full-time or part-time depending on their recent participation in the fishery. The first

objective of categorization was to determine who of the approximately 59,000 registered fishermen in Atlantic Canada were primarily dependent on the fishery for their livelihood and fishing was their primary occupation.

The present categorization program is not a radical change in approach to the management of the fishery. Licence limitation has existed since the late 1960's on the Atlantic coast; and in 1973, the universal registration of fishermen and vessels was introduced. It has been the policy for a number of years that before subsidies are awarded, a thorough check is made on the extent of involvement in the fishery of the person applying for subsidies.

The policy is not saying that part-time fishermen will not be eligible for subsidies but that in terms of financial constraints, the fishermen who depend on the fishery as a sole source of livelihood will receive priority.

Categorization is the first step in the development of a professional status for fishermen. It has been further refined to provide a means whereby part-time fishermen can become full-time fishermen. Fishermen designated as full-time will be given priority for additional licences and subsidies over part-timers and newcomers to the fishery. It is also intended that fishermen designated as part-time will be given priority for additional licences and subsidies over newcomers to the fishery.

The intent of categorization is also to provide a framework for orderly development and to regulate the control of newcomers wanting to enter the commercial fisheries. In addition, knowing the number of full-time or part-time fishermen in an area will be of assistance in the maintenance of a running record to determine who would receive limited entry licences as they become available through attrition or stock improvement or who would have priority to receive subsidies or other financial assistance when funds are limited.

In the future, if a commercial fishery faces difficulty and fishing effort has to be reduced, separate criteria will have to be developed in consultation with fishermen to deal with such issues. There are alternate ways to bring about a reduction in fishing effort besides reducing the number of fishermen, such as: restricting the amount of gear or the size of the boat that can be used; establishing phase out and buyback programs; and/or changing quotas and seasons.

If a fishery gets into severe difficulty and no remedy exists other than reducing the number of fishermen, the people affected will be those who are not fully dependent on that particular fishery for their livelihood. This would be those who depend on this fishery as a means of supplementing their income while taking on other employment that is of a continuous nature during the fishing season.

The present program of categorization was developed after extensive consultations with provincial governments, buyers and processors, fishermen's organizations and individual fishermen starting with the Levelton study in 1978 and the Task Force on Atlantic Fisheries in 1982.

One result of these consultations was that fishermen in the southern Gulf of St. Lawrence prepared a proposal which they felt would simplify licensing and address the problems of participation, transferability, priority to the fishery and conservation of the stocks. The essential components of this proposal were incorporated into a three-year pilot project, which was introduced in 1983 and will be evaluated in the fall of 1985. (The elements of this policy have been incorporated into the body of this discussion paper. For ease of reference the Bonafide Policy is attached as Annex VI).

It is the Department's intention to continue discussions with fishermen organizations, provincial administrations and processors to refine the categorization process. The present time requirements for fishing, by which people are designated part-time or full-time, can be adjusted on the recommendations of local committees which are

knowledgeable of the seasonable fishing activity for their area. For example, if the fishing period for small vessels is found to be unrealistic, local committees can adjust the period to conform with the actual normal fishing season.

The establishment of these local committees to review categorization appeals is looked upon as only a first step towards responding to the demands of fishermen and representatives of fishermen who continue to indicate that they want to be given a greater say in the overall management of the fishery in their respective areas.

#### **2.2.1.2 Definition of Full-time, Part-time, and Bonafide**

##### **Full-time**

A full-time fisherman is any person who fishes consistently on a commercial basis for the required period of time for his/her area without other employment during that period, with the exception of self-employment in the primary industries on a limited basis (e.g. fisherman/farmer, fisherman/logger), and has been registered as a commercial fisherman for the previous two years. The required period of time is that period of time established by fishermen's committees for a given area (Annex I). Therefore, a registered commercial fisherman who did not have other employment and fished annually for the required period of time in the 24-month period, immediately preceding the categorization date, will fall with the full-time category. (Note: In the Scotia-Fundy Region categorization is presently based on a 12 month period.)

Other employment does not include self-employment in farming or logging on a limited basis; however, this does not exempt the fisherman/farmer or fisherman/logger from fishing the required period of time. It also does not include incidental or occasional jobs during the required period provided that the registered commercial fisherman participates in the fishery in a similar manner to others in his community who have no work

outside the fishery. Employment outside of the required period of time does not affect the person's full-time status.

In Newfoundland this definition does not exclude from the full-time category any person who may have employment outside the fishery for up to 30 days during the fishing season.

**Part-time**

A part-time fisherman is a registered commercial fisherman who does not meet the requirements of a full-time fisherman.

**Bonafide**

The bonafide category applies only to fishermen fishing from vessels 50' LOA or less located in the southern Gulf of St. Lawrence (Gulf Region 4T). The number of bonafide fishermen is frozen at the current level. The only method of becoming bonafide is by obtaining the bonafide status of an existing fisherman leaving the fishery subject to the transfer requirements of this policy. The Bonafide Licensing Program began in 1983 with the support of the local fishing industry as a three-year pilot project in the Northumberland Strait area. The program will be evaluated at the end of 1985 and a decision made whether to make it permanent or not.

The bonafide category is assigned to any person, who

- (a) in 1983 fished in Lobster Fishing Districts 7b, 7b1, 8, or in the Gulf portion of 6b, or
- (b) in 1984 fished in Lobster fishing District 7c;

who was registered as a commercial fisherman, and the holder of limited fishery licence, subject to meeting one of the following three conditions:

- (1) to be the holder of a Category A lobster licence.
- (2) to show proof of 75 percent or more of his income from fishing using his own boat and/or equipment except where this boat and/or equipment is not required.
- (3) to show proof of sales of fish in 1983, with a landed value in excess of \$15,000 using his own boat and/or equipment except where this boat and/or equipment is not required.

### **2.3 VESSEL REGISTRATION AND OWNERSHIP**

Every vessel used in a commercial fishery must be registered annually with the Department of Fisheries and Oceans. A vessel will be registered annually by the Department on the payment of the proper fee and the provision of the required data on the vessel characteristics by the vessel owner. The following policy guidelines apply when dealing with commercial vessel registration and ownership issues.

1. The issuance of Vessel Registrations are available on demand except in the Newfoundland Region where fishermen categorized as part-time may only register a vessel up to 22' LOA providing they have been registered as part-time fishermen for a least the two previous years. Also in that portion of Newfoundland within the Gulf Region no additional vessels may be registered except to fulltime fishermen who may register new or additional vessels up to 34'11" LOA.
2. A survey or measurement of the vessel may be required.
3. Current regulations which stipulate that licences expire with changes in vessel ownership will remain in effect.
4. Licence holders must file with the Department, particulars on the ownership of vessels when such vessels are licensed and when changes in ownership or particulars occur. Proof of ownership - (Bill of

Sale, Builder's Certificates or Certificate of Registry to be demonstrated by the new owner if required).

5. A fishing vessel may be registered in the name of a company provided the licence holder maintains 51% controlling interest in the company.

#### **2.3.1 Temporary Replacement of a Canadian Registered Vessel**

The use of vessels as temporary replacements may be allowed subject to the following conditions:

1. The vessel being replaced is permanently removed, repossessed (subject to section 2.6.1) or rendered unserviceable.
2. The temporary replacement is a registered Canadian commercial fishing vessel.
3. The replacement vessel cannot have any fishing privilege(s) issued in respect of it except the privilege(s) held by the fisherman seeking the temporary replacement. Any fishing privileges that may be held by the owner in respect of the vessel must be removed prior to use as a temporary replacement. The vessel owner must be made fully aware of the requirement to renew licences and registration annually and all other existing policy guidelines.
4. The replacement vessel must meet all the replacement criteria for the fisheries in which it will be licensed (i.e., size restrictions, etc.).
5. The licence holder must be on board the vessel during fishing.
6. A temporary replacement may be allowed for a maximum period of two years.

7. All requests for temporary replacements must be approved by the Area Manager/Area Director for vessels less than 65' LOA and by the Minister for vessels 65' LOA and greater.
8. The temporary replacement of vessels used in the western Newfoundland Enterprise Allocation Pilot Project will not be permitted.

#### **2.3.2 Leasing of a Foreign Registered Vessel**

The following will apply to the temporary replacement with foreign registered vessels of licensed Canadian fishing vessels.

1. This policy applies to vessels permanently removed, or rendered unserviceable for a period of four months or more (e.g., sinking, fire) within the preceding 12-month period.
2. A maximum period of two years duration is allowed for a lease.
3. The leased vessel must be crewed by registered Canadian fishermen except where the Minister approves a specified number of non-Canadians.
4. The leased vessel is to be of similar catching capacity, must operate on the same fishing plan, and the catch must be delivered to the same plant or plants as the vessel being replaced.
5. Freezer trawlers may be leased to replace wetfish trawlers, but the processing (filleting) of traditional groundfish species at sea will not be permitted.
6. All requests for leasing require Ministerial approval.

## 2.4 LICENCES AND GENERAL CONDITIONS OF LICENSING

The following general policy guidelines are followed by the Department for all major commercial fisheries:

- A species of fish may be fished commercially only if the fisherman holds a licence where required as indicated in Annex II authorizing him to fish that species of fish.
- Limits on the number of such licences issued will be determined on the basis of both biological and economic considerations.
- A licence will be issued in the name of an individual fisherman (grandfather provisions apply to cases where licences already have been issued to integrated companies) to use a specified registered vessel in a specified fishery. (Note: Presently in some Regions fishing licences may be issued in the names of companies.)
- Vessel ownership is required by the applicant.
- Licence renewal and payment of fee is mandatory on a yearly basis, including periods of banking, except where a fishery is closed by government for conservation purposes.
- A licence for a limited entry fishery for a species of fish (Annex II) may only be issued to a person who:
  - (a) held such a licence for a given species in the preceding calendar year and did not transfer the licence to another person; or
  - (b) who obtains such a licence through a transfer; or
  - (c) who obtains a new licence through the procedures outlined in Section 2.8

- A bait-fishing licence shall only be issued to a registered commercial fisherman who is the holder of a licence which authorizes him or her to engage in commercial fishing for a species of fish by a method which traditionally includes the use of bait in such fishery.

**General Conditions of Licensing:**

1. Licences are issued to the person not to a vessel.
2. Licence holder will be required to fish a licence personally. Licence holders with more than one licence for a given species and companies may continue to designate an operator. (Note: In the Scotia-Fundy Region this requirement is not applied at the present time.)
3. In the event of sickness or injury, the local fishery officer may authorize the operation of the vessel by another individual.
4. Fishermen will be permitted to hold only one licence for a given species (grandfather provisions do apply for some limited entry fisheries). Note: This is a proposed requirement which is not presently applied on a universal basis.
5. In the Scotia-Fundy and Gulf Regions partnerships may be created where both parties hold category A lobster fishing licences. Under such a partnership arrangement the following applies:
  - a) Both licence holders must be present on the boat during fishing operations;
  - b) The number of lobster traps fished cannot be greater than the legal number of traps plus 50 percent.
6. The major mechanism for controlling entry to particular fisheries will generally be through the issuance of licences rather than

through controls on vessel registrations or fishermen's registration. These licences may specify:

- (a) the species of fish and quantity that may be taken;
- (b) the period during which fishing may be conducted;
- (c) the waters in which fishing may be conducted;
- (d) the vessel that may be used;
- (e) the person or persons who may operate the specified vessel;
- (f) the type and quantity of fishing gear and equipment that may be used; and
- (g) that an observer be permitted on board the vessel used to fish under the licence.

#### **2.4.1 Special Employment Criteria**

##### **Salmon Fishery**

##### **Scotia-Fundy and Gulf**

Licences may only be renewed by those persons who in the preceding calendar year were not employed full-time outside the commercial fishery or other primary industries for more than nine months annually.

##### **Lobster Fishery**

##### **Newfoundland and Gulf (Western Newfoundland)**

Licences may only be issued to those persons who are not employed in full-time or seasonal recurring jobs outside the commercial fishery.

### Scotia-Fundy

Category A lobster fishing licences may only be issued to those persons who in the preceding calendar year were not employed full-time in employment other than primary industry employment or have any full-time seasonal employment unless he can establish that his gross annual earnings during the 12-month period immediately preceding his application for a licence does not exceed what he would have earned if paid the minimum wage plus 25 per cent during that period.

A Category A licence holder wishing to explore an alternate career may recess his licence for one year. The licence holder will retain a category A status for this period and can exercise the options provided by the licensing policy during that period. This recess period will be provided once per fisherman.

Category B lobster fishing licences may be issued to a person who was engaged in the lobster fishery in 1968 and in each subsequent year as a principal operator and who does not fulfill the employment criteria of a Category A licence holder.

The downgrading or upgrading of licences is not permitted.

### Southern Gulf (Gulf Region 4T)

Bonafide fishermen cannot have year-round employment or full-time seasonal employment during the period that coincides with the fishing season in which he or she may wish to fish, except employment in the primary industries on a limited basis (eg. fisherman/farmer or fisherman/logger).

#### **2.4.2 Foreign Ownership**

Under the Fisheries Act, the Minister has "absolute discretion" to issue leases or licences for fishing off Canadian coasts. While

nationality of ownership is not specified in the Act as a criterion for issuing fishing licences, "absolute discretion" is interpreted as allowing the Minister to refuse to issue licences to non-Canadians. This authority applied only to the issuance of fishing licences; it does not include the processing or transporting of fish.

In issuing fishing licences under the Fisheries Act, current DFO policy is not to issue fishing licences to firms registered in Canada having any element of foreign ownership. Firms in the category which already had Canadian fishing licences in 1973 when this policy was adopted and discussed with the industry, can retain these licences subject to the same conditions that apply to Canadians. However, they cannot acquire additional licences. This applies to all licences issued to harvest Canadian allocations of fish stocks both within and beyond the 200-mile zone. On the other hand, this policy has nothing to do with foreign flag vessels which are fishing the quotas allocated to them within the Canadian zone or which are engaged in direct purchases from fishermen or which are fishing under the Resource Short Plant Program. These activities are permitted under separate legislation and for short specified periods only.

If a firm having any element of foreign ownership takes over a Canadian owned fishing company which has fishing licences, that is to say, acquires over half or any portion of the shares that constitutes effective control, the licences cannot be retained by that firm. However, if such a firm having a subsidiary in Canada which owns fishing licences is taken over by another foreign owned firm from the same country the licences may be retained as part of the continuing Canadian operation (ie. no net increase in foreign ownership).

If a firm having any element of foreign ownership purchases a minority ownership interest in a Canadian firm or establishes a jointly-owned subsidiary with a Canadian firm in which the Canadian firm owns more than half the voting shares, new licences might be made available or old licences might not have to be surrendered, depending on

the net benefits to Canada that each proposal would bring. At the present time, generally speaking, the fleet is adequate and processing capacity is excessive in relation to resources and/or quota allocations. Therefore, there is little need for foreign capital in the coastal and offshore fisheries and the policy is not to allow the firm to have licences. However, exceptions could be made respecting the issuance of new licences or retention of old ones for investments involving particular benefits from specific fisheries, regions, or products as well as special financial or marketing benefits. Finally, foreign investment in the form of loans or debentures does not entitle the investor to a Canadian licence.

Generally speaking, the Department will support investment projects that would benefit Canada by, for instance, utilizing a new species, introducing new technology, or opening up new markets. Similarly, the Department would not support projects that would further aggravate existing plant or vessel over-capacity, projects that required extensive public infrastructure investment (harbour, water supply, etc) or projects that would not be compatible with Department management policies. In cases where a combination of positive and negative factors appears in one application, the current processing over-capacity has usually resulting in a negative recommendation.

#### **2.4.3 Fleet Separation Policy**

Since 1978, the licensing policy of the Department has been directed at separating the harvesting and processing sectors of the industry. Under this policy new or additional fishing licences can not be issued to companies involved in the processing sector of the industry. Processing companies presently holding licences may continue to do so but they may not acquire additional licences.

The Fleet Separation Policy does not however apply to the holders of groundfish licences for vessels greater than 100 feet LOA operating under an enterprise allocation system.

Some of the main reasons for this approach have been the following:

- i) The promotion of an efficient catching sector that would survive on returns made from harvesting activities.
- ii) Economic forces would dictate deployment or location of fishing vessels in relation to returns from fishing;
- iii) A more effective port-pricing system would develop to reflect fish catching operations;
- iv) Consolidation or concentration of catching capacity would be less likely to continue or develop.

**Note:** Both the foreign ownership and fleet separation policies are currently under review by the Department.

## **2.5 TRANSFER OF LICENCES**

A presumption exists under common law that a licence is not transferable. The presumption is that what one gets with a licence is merely a privilege to a particular person and not capable of being assigned or transferred to another. While the term transfer of a licence is used in connection with commercial fishing licences, this may be inaccurate and misleading. Notwithstanding the provisions of the Atlantic Fishing Registration and Licensing Regulations - Chapter 808 of the C.R.C. 1978 (Section 10(3) precluding transfer of a limited fishery licence - there is no transfer in law at all. What the new holder of a licence is issued is a new licence and not the old licence transferred. Further, under common law, a licence by its nature comes to an end on the death of the person it was issued to.

Notwithstanding the non-proprietary nature of a licence competing claims to individual licences occur. These claims may be grouped into the two main categories. First, vessels given as security for loans, and

second, licences which are purportedly assigned, leased or otherwise disposed of by the holder to a third party. While there may be valid claims between the competing parties based upon the agreements entered into, the Minister is not a party to nor bound to any such agreements.

The following are the conditions under which the "reassignment" (transfer) of fishing licences will be permitted:

- A licence to participate in a limited entry fishery may be transferred, with the permission of the DFO, to a fisherman categorized as full-time or Bonafide.
- In the Newfoundland Region, licences are only transferable to full-time fishermen who have been so categorized for the last five consecutive years.
- In that portion of Newfoundland within the Gulf Region, (a) scallop, lobster, capelin, herring and mackerel licences are only transferable to full-time inshore fishermen who have been so categorized for the last five consecutive years or to full-time fishermen who have fished as crew members on the licence holder's vessel for the past two consecutive years; (b) all other licences are only transferable to full-time fishermen who have fished as crew members on the licence holder's vessel for the past two consecutive years.
- A licence may only be transferred once in a 12-month period. (Note: A 24-month period is presently applied in some Regions)
- A licence to fish from a vessel 50' LOA or less held by a resident of the southern Gulf who is not a bonafide fisherman, may only be transferred to a bonafide fisherman.

- A licence to fish from a vessel 50' LOA and less held by a bonafide fisherman may only be transferred to a full-time fisherman (Qualified New Entrant) as a unit (no splits).
- A salmon licence may only be transferred within the immediate family and only
  - (a) in the province of Newfoundland if the holder and recipient are full-time fishermen, and
  - (b) in all other provinces if the recipient is either a full-time or bonafide fisherman.

(For the purpose of this policy immediate family members are husband/father, wife/mother, son/daughter, and brother/sister).

- In fisheries where a decrease in the number of licences is required, a freeze on licence transfers can be implemented until the level of fishing effort is reduced through licence attrition or buyback.
- Vessel sale is not a required element of licence transfer. (NOTE: At present in the Scotia Fundy and Quebec Regions vessel transfer is a requirement of licence transfer.) Also in the Gulf Region (Maritimes) when vessels 50' LOA and over are used, vessel sale is a required element of licence transfer.
- A category B Lobster Licence is not transferable.
- All conditions of licence (i.e. area, gear type etc.) will be maintained on licence transfer with the exception of historic or authorized sector overlap privileges in the inshore groundfish fishery.
- Authorized overlaps will expire when
  - (a) the licence is transferred to another individual residing in an alternate home port division (ie. 4Vn to 4X); or

- (b) should the present licence holder take up residence in an alternate home port division.
- Historical overlap privileges will expire when:
  - (a) the licence is transferred to another individual;
  - (b) the vessel is seized by a lending authority; or
  - (c) the vessel is routinely replaced.
- Historical overlap privileges will not expire when the vessel is lost through fire, sinking, etc.

#### **2.5.1 Licence Splits**

- Licence splits will be permitted when the recipient (full-time or bonafide fisherman) holds one or more licences listed in Annex III. In the transfer of licences to a full-time fisherman who does not hold a high profile licence all licences are bound as a single unit (no splits). The split of groundfish and shrimp, groundfish and swordfish longline, and gear types (i.e. groundfish longline-otter trawl) is not permitted. (Note: This is a proposed change to existing policy which, with the exception of the area of application of the Bonafide Fisherman's Licensing Policy, generally prohibits the split of licences).
- Licences to fish from a vessel 50' LOA and less, held by a bonafide fisherman, may only be transferred to a full-time fisherman (Qualified New Entrant) as a unit (no splits).

#### **2.5.2 Residency**

- Residency may be an eligibility requirement of licence transfer or issuance. (Subject to the requirements of the Canadian Charter of Rights and Freedoms.)

- Where residency is not an eligibility requirement of licence transfer then the licence recipient must meet the eligibility requirements for the area of the licence holder (i.e. a full-time fisherman wishing to obtain a licence presently issued to an individual residing in Yarmouth must meet criteria for full-time for that area - eight months).

#### **2.5.3 Disposition of Licence(s) in Case of Death of Licence Holder**

- Where the holder of a licence dies, the heir to the estate of the holder may dispose of the licence(s) with DFO approval in accordance with the licence transfer policy or may have up to two years (5 years under Bonafide Policy) to become eligible to hold the licence(s), during which time an heir may designate an operator.

#### **2.6 BANKING OF LICENCES**

- On sale, loss or removal of a commercial fishing vessel, the licence holder will have up to two years (5 years under Bonafide Policy) from the date of sale, loss or removal to enter a replacement vessel into the fishery.
- Extensions to this replacement time frame can be granted by a Regional Director General due to extenuating circumstances.
- Licence renewal and payment of fee is mandatory on a yearly basis, including periods of banking, except where a fishery is closed by government for conservation purposes.
- The two year replacement time frame does not apply to groundfish vessels over 100 feet LOA during the period 1984-1988.

##### **2.6.1 Vessel Repossession**

- The licence(s) remain(s) with the licence holder when his vessel has been repossessed.

- The licence holder has two years (5 years under the Bonafide Policy) after the foreclosure date to either replace the seized vessel or transfer the licence(s) to an eligible recipient.
- Failure to make such a commitment will result in cancellation of replacement privileges.
- On application, Regional Directors General can consider extensions to the two year time frame due to extenuating circumstances.

#### Groundfish Vessels 100'LOA and Greater

- In case of vessel repossession involving:
  - a) single-vessel companies, any licence and enterprise allocations held by the respective company may revert to the federal government for possible reallocation.
  - b) offshore companies with more than one vessel, a portion of the company's enterprise allocations equivalent to the average historical catch of the vessel repossessed may revert to the federal government for possible reallocation.

Note: This policy is presently under review by the Department.

#### **2.7 PARTICIPATION REQUIREMENTS**

- Participation requirements will only be introduced where fishermen consider this requirement necessary in order to reduce fishing effort in a particular fishery or to ensure the full development of a fishery.
- Fisheries which participation is a requirement are listed in Annex IV.

## **2.8 ISSUANCE OF NEW LICENCES**

- Additional licences for limited entry fisheries will only be issued when biological and socio-economic factors indicate that such licence issuance can take place.
- The ADM Atlantic Fisheries must approve the issuance of all new licences.
- In all cases a draw system will be used when issuing new licences where the number of applicants exceeds the number of licences.

### **2.8.1 Exploratory Permits**

- In many cases, if the fishery is new, developing or underutilized exploratory permits may be issued by a Regional Director General which will be valid for a specified period - less than a one-year period.
- The issuance of such permits does not imply any further commitment by the Department of Fisheries and Oceans to issue licences on an annual basis thereafter.

## **2.9 Specific Policies for Vessels 65' LOA and Greater - Atlantic Coast**

### **2.9.1 Factor Freezer Trawler Policy**

A maximum of three factory freezer trawler (FFT) licences may be issued to selected East coast fishing companies. The licences will be for a five-year introductory period. One licence each is reserved for National Sea Products and Fishery Products International while the third licence is reserved for a company or consortium from the remaining offshore groundfish companies.

The companies receiving FFT licences will operate subject to certain conditions.

The conditions placed on these licences are as follows:

1. At least 50 per cent of a factory trawler's catch must be made up of previously under-utilized enterprise allocations.
2. No more than 6000 t of a company's 2J3KL (Northern) cod allocation can be harvested by a factory trawler in any one year.
3. Factory trawlers will not be permitted to operate in the Gulf of St. Lawrence or the Bay of Fundy.
4. In accordance with the existing replacement guidelines under the present Enterprise Allocation system, to operate a factory freezer trawler, a company must retire or convert equivalent capacity from its present fleet.
5. A company must outline an acceptable plan to minimize the socio-economic/community impact.
6. All information associated with the operation of the FFTs during the introductory period must be made available to the Department of Fisheries and Oceans.
7. FFTs must be registered immediately as Canadian vessels and crewed fully by Canadians within a two-year period. Within the two-year period, the percentage of foreign crew must be approved by government.
8. FFTs will not be permitted to harvest species such as capelin where an economically efficient fishery has already been developed.

The conditions are designed to protect the interest of other sectors of the industry and to alleviate the concerns of those opposed to factory trawlers.

## **2.9.2 Vessel Restrictions**

- The holder of a groundfish or shrimp licence authorized to use a vessel 65' to 99'11" LOA and greater may not have his licence amended to authorize the use of a vessel:
  - (a) with a LOA greater than 105 percent of the LOA of the original vessel; or
  - (b) with a hold capacity that exceeds 110 percent of the hold capacity of the original vessel.
- An application by the holder of any licence authorized for a vessel 65' LOA and greater to use a vessel other than the one set out in the licence may only be approved by the Minister.
- The holder of groundfish licence authorized to use a vessel 100'LOA and greater may not have his licence amended to authorize the use of a vessel with a greater catching capacity than the capacity of the vessel being replaced.
- For the purpose of vessel replacement under offshore enterprise allocations, catching capacity will be determined by the amount of fish that can be carried in a vessel's fish hold and on the average catch by that vessel using its best three years of fishing.
- Under the offshore enterprise allocation system where improvements are made in on-board technology for reasons of attaining a better quality product, such as containerization, the size of a vessel may be increased to compensate for any decrease in hold capacity. In the event that these improvements are removed from the vessel, equivalent catching capacity would have to be retired to compensate for any previous increase in vessel size. Such changes will be assessed and approved by DFO in discussions with the enterprise.
- To facilitate the acquisition of different size vessels as replacements, the "combining" of two or more older vessels to be retired in favour of one larger one will be permitted in the 100' and greater category, provided that the catching capacity of the replacement unit does not exceed the catching capacity of the replaced units.

## CHAPTER THREE

### 3. SPECIFIC REGIONAL LICENSING POLICIES

#### 3.1 VESSEL RESTRICTIONS

- Licence holders are free to decide when to replace active vessels provided it is done within guidelines in respect of vessel size, capacity and established time periods.
- Vessel replacement criteria focus on catching capability and economic returns in each fishery.

##### 3.1.1 Scotia-Fundy Region

###### 3.1.1.1 Groundfish, Shrimp, Squid (Otter Trawl) and Swordfish (Longline)

- The holder of a licence authorized to use a vessel less than 35 feet LOA may not have his licence amended to authorize the use of any vessel greater than 34'11" LOA.
- The holder of a licence authorized to use a vessel within a size class set out in the table to this section may not have his licence amended to authorize the use of any vessel:
  - (a) greater than the maximum length set out for that class; or
  - (b) with a hold capacity that exceeds 110% of the hold capacity of the original vessel.
  - (c) in the case of an open vessel with a vessel the width (beam) of which exceeds that width calculated using a length to width ratio of 2.8:1.

<u>VESSEL SIZE CLASSES</u>	
<u>SIZE CLASS</u>	<u>LENGTH OVERALL</u>
A	35' - 39'11"
B	40' - 44'11"
C	45' - 49'11"
D	50' - 54'11"
E	55' - 59'11"
F	60' - 64'11"

- Authorization to use a vessel outside a size class set out in the above table may be approved providing another groundfish privilege is removed from the fishery for a vessel 35'-64'11" LOA. The replacement vessel can be one increment larger than the largest vessel. For example, a 50' LOA vessel may be replaced with a 59'11" LOA vessel providing an additional vessel between 35' and 54'11" is removed.

#### **3.1.1.2 Lobster**

- The holder of a lobster licence for Lobster Fishing District 4A and 4B may not have his licence amended to authorize the use of a vessel greater than 45' LOA.

#### **3.1.1.3 Herring**

- The holder of a herring drift net licence for lobster fishing District 4A may only utilize a vessel between 30' and 45' LOA.

#### **3.1.1.4 Scallop**

- The holder of a scallop licence for the inshore Scotian Shelf or the Upper Bay of Fundy scallop fisheries may not have his licence amended to use a vessel greater than 44'11" LOA if his present vessel is less than 45' LOA, or 64'11" if his vessel is 45' to 64'11" LOA.

- The holder of a scallop licence for the Bay of Fundy fishery may replace his vessel with one 25 percent larger every five years to a maximum of 64'11" LOA.
- The holder of a seven-mile New Brunswick scallop licence may replace up to 34'11" LOA or with a vessel 25 per cent larger every five years to a maximum of 64'11" LOA.

### **3.1.1.5 Mackerel**

- The holder of a mackerel purse seine licence for eastern Nova Scotia (4VW) may not have his licence amended to use a vessel greater than 44'11" LOA.

### **3.1.2 Quebec Region**

#### **3.1.2.1 Groundfish & Shrimp**

- The holder of a groundfish licence authorized to use a vessel less than 35' LOA may not have his licence amended to authorize the use of any vessel greater than 34'11" LOA.
- The holder of a groundfish or shrimp licence authorized to use a vessel within a size class set out in the table to this section may not have his licence amended to authorize the use of any vessel:
  - (a) greater than the maximum length set out for that class;
  - (b) with a hold capacity that exceeds 110% of the hold capacity of the original vessel.

<u>VESSEL SIZE CLASSES</u>	
<u>SIZE CLASS</u>	<u>LENGTH OVERALL</u>
A	35' - 39'11"
B	40' - 44'11"
C	45' - 49'11"

D	50' - 54'11"
E	55' - 59'11"
F	60' - 64'11"

### **3.1.2.2 Scallop and Inshore Crab**

- The holder of a scallop licence may not have his licence amended to use a vessel greater than 49'11" LOA except for that portion of Scallop Fishing Area No. 18 surrounding Anticosti Island where vessels up to 64'11" LOA may be utilized.
- The holder of an inshore crab licence may not have his licence amended to use a vessel greater than 49'11" LOA.

### **3.1.3 Newfoundland Region**

#### **3.1.3.1 Vessels less than 35' LOA (All species)**

- Full-time fishermen can replace their vessels up to 35'11" LOA
- Part-time fishermen can replace their vessels up to 22' LOA and then on a foot-for-foot basis between 22'-34'11".

#### **3.1.3.2 Vessels 35'-64'11" LOA (All species except groundfish)**

- Vessels may be replaced up to 64'11" LOA.

#### **3.1.3.3 Vessels 35'-64'-11" LOA (Groundfish)**

- The holder of a groundfish licence authorized to use a vessel within a size class set out in the table to this section may not have his licence amended to authorize the use of any vessel:
  - (a) greater than the maximum length set out for that class; or

(b) with a hold capacity that exceeds 110 percent of the hold capacity of the original vessel.

<u>VESSEL SIZE CLASSES</u>	
<u>SIZE CLASS</u>	<u>LENGTH OVERALL</u>
A	35' - 39'11"
B	40' - 44'11"
C	45' - 49'11"
D	50' - 54'11"
E	55' - 59'11"
F	60' - 64'11"

### 3.1.4 Gulf Region

#### 3.1.4.1 Vessels 50' and less LOA (All species except groundfish) - Southern Gulf (4T)

- The holder of a licence authorized to use a vessel 45' LOA or less will be limited to a maximum vessel replacement size of 44'11" LOA.
- The holder of a licence authorized to use a vessel 45-49'11" LOA will be limited to a maximum vessel replacement size of 49'11" LOA.

#### 3.1.4.2 Vessels greater than 50' LOA (All species except groundfish) - Southern Gulf (4T)

- The holder of a licence authorized to use a vessel within this size class may replace with a vessel 25 percent larger every 5 years to a maximum of 64'11" LOA.

#### 3.1.4.3 Groundfish - Southern Gulf (4T)

- The holder of a groundfish licence authorized to use a vessel less than 35' LOA may not have his licence amended to authorize the use of any vessel greater than 34'11" LOA.

- The holder of a groundfish licence authorized to use a vessel within a size class set out in the table to this section may not have his licence amended to authorize the use of any vessel:
  - (a) greater than the maximum length set out for that class; or
  - (b) in the case of a decked vessel with a hold capacity that exceeds 110 percent of the hold capacity of the original vessel or
  - (c) in the case of an open vessel with a vessel the width (beam) of which exceeds that width calculated using a length to width ration of 2.8:1

<u>VESSEL SIZE CLASSES</u>	
<u>SIZE CLASS</u>	<u>LENGTH OVERALL</u>
A	35' - 39'11"
B	40' - 44'11"
C	45' - 49'11"
D	50' - 54'11"
E	55' - 59'11"
F	60' - 64'11"

#### 3.1.4.4 Vessels less than 35' LOA (All Species) - Western Newfoundland (4R3Pn)

- Full-time fishermen can replace their vessels up to 34'11" LOA.
- Part-time fishermen can replace their vessels only on a foot-for-foot basis.

#### 3.1.4.5 Vessels 35'-64'11" LOA (All species) - Western Newfoundland (4R3Pn)

- A full-time fisherman who holds a licence authorized to use a vessel within a size class set out in the table to this section may not have his licence amended to authorize the use of any vessel:

- (a) greater than the maximum length set out for that class; or
- (b) with a hold capacity that exceeds 110 percent of the hold capacity of the original vessel.

VESSEL SIZE CLASSES

<u>SIZE CLASS</u>	<u>LENGTH OVERALL</u>
A	35' - 39'11"
B	40' - 44'11"
C	45' - 49'11"
D	50' - 54'11"
E	55' - 59'11"
F	60' - 64'11"

- A part-time fisherman who holds a licence authorized to use a vessel within this size class can only replace his vessel on a foot-for-foot basis.

## CHAPTER FOUR

### 4. APPEAL PROCESS AND PROCEDURES

Any person not satisfied with the fisherman's category assigned him/her or with any Department licensing decision affecting him/her has the right of appeal.

#### 4.1 APPEAL STRUCTURE

The appeal process will consist of three levels as follows:

First Level: Local Area Appeal Committee

Second Level: Regional Appeal Committee

Third Level: Atlantic Licence Review Board

- Appeal Committee structures are described in Annex V.
- The role of each Categorization Appeal Committee is to review all pertinent information and recommend:
  - (a) that an appellant's category be maintained or changed;
  - (b) changes in the categorization guidelines in accordance with local needs and conditions.
- The role of each Licensing Appeal Committee is to review all pertinent information and recommend that an appellant's request be approved or denied.
- All appellants will be notified in writing of the time and location of their hearing by the Department.
- An appellant has the right to appear in person or to be represented by another person.

- An appellant will be notified in writing within 30 days as to the outcome of the appeal hearing.
- If the recommendation is negative, the Committee will inform the appellant of details respecting how an appeal may be made to the next level.

#### **4.2 Equity of Appeal Hearings**

Every effort is being made to ensure that decisions on the categorization appeals are carried out in a fair and equitable manner. The designation of licence holders has been accompanied by the establishment of Categorization Appeal Committees which will review the initial decision made by the Department where persons register their dissatisfaction. Fishermen will chair these committees at the local level and the majority of members will be fishermen. However, these will not be the only voices heard.

Each committee at the local level will have as a member a representative of the local area, knowledgeable of the fishery, but not directly involved. At every hearing an employee of the Department will be in attendance to provide administrative assistance and to ensure that decisions are taken fairly in accordance with recognized guidelines and procedures. For a person dissatisfied with the results at the first level, there will be a second Regional Appeal Board composed of impartial members not engaged in the fishery. The system will also provide for a final level of appeal to the Minister's Atlantic Fisheries Licence Review Board when and if a person feels that justice has not been done at the first two levels.

The Atlantic Fisheries Licence Review Board is an independent body and is the last level of appeal when fishermen are dissatisfied with licensing decisions. The significance of the Review Board is that it is completely independent of the government process and therefore in a position to judge impartially.

## CHAPTER FIVE

### **5. AMENDMENT PROCEDURES**

- Where the need to change policy arises, the Regional Director General proposing the change will submit the proposal to the ADM Atlantic Fisheries for review and approval.
- Appropriate steps will be taken to ensure fishermen are made aware of the key elements of the policy and any subsequent changes.

#### **5.1 CONSULTATIONS**

- The Department recognizes the need to provide opportunities for public review and input to decisions in the development of licensing policies which have broad biological, social and economic implications.
- It is the policy of the Department to consult the public on major or controversial licensing issues and on the development of new policies and legislation with respect to licensing.
- The Minister will consider all views expressed in arriving at a decision, consistent with the government's stated objectives.

#### **5.2 NOTIFICATION OF LICENSING POLICY AMENDMENTS TO FISHERMEN**

- It is Department policy to inform members of the fishing industry of all changes to licensing policy, through press announcements, regional newsletters etc., allowing sufficient lead-time for fishermen to adjust to the new policy.

## CHAPTER SIX

### **6. TERMINOLOGY**

**Authorized Overlap:** refers to those specific areas beyond home sectors where inshore groundfish vessels less than 65 feet LOA are permitted to continue fishing as a result of the licence holder's home port being located in the extremities of their sector, specifically:

<u>Home Port Division</u>	<u>Authorized Overlap</u>
4T	4Vn
4Vn	4T
3Pn	3Ps
3Ps	3Pn
4RS	2J
2J	4RS

**Banking of Licences:** refers to the period of time following the loss or removal of a fishing vessel during which all licences issued in respect of that vessel will be reserved for the licence holder.

**Eastern Canada:** consists of the provinces of New Brunswick, Newfoundland, Nova Scotia, Prince Edward Island and Quebec.

**Full-time Job:** is a job in which the individual is employed 12 months each year.

**Grandfather Clause:** refers to an allowable exemption to policy based on historic activity or procedure. Such an exemption would usually expire on transfer of licence.

**Historic Overlap Privilege:** refers to those specific areas beyond home sectors where vessels are permitted to continue fishing as a result of participation in those areas for two years within the period 1978-1980.

(This qualifying period is extended to the years 1980 and 1981 when it can be shown that commitments were made to have a vessel replaced prior to 1980.)

**Length Overall:** means the horizontal distance measured between perpendiculars erected at the extreme ends of the outside of the main hull of a vessel.

**Licences Split:** refers to the case where more than one limited entry privilege is held and the holder wishes to (a) use a separate vessel or vessels for one or more of these licences or (b) transfer one of the privileges to another individual.

**Licensing Authority:** The Minister of Fisheries and Oceans.

**Resident:** means, in respect of a licence, a person who has resided continuously in the defined area for a period of not less than six months immediately preceding the time that residence becomes material for the purpose of licensing.

**Seasonal Recurring Job:** is a job in which the individual is employed on a regular basis each year during the defined fishing season (required period of time) for the area.

ANNEX I  
(2.2.1.2)

REQUIRED ANNUAL PERIOD OF TIME TO BE CATEGORIZED AS A  
FULL-TIME FISHERMAN

NAFO DIVISIONS	AREA	ANNUAL PERIOD
1. 2GHJ	Cape Charles - Long Point (North Head in Table Bay) (Labrador)	June 01 - Sept. 30
	Long Point to Bluff head Cove, including Sandwich Bay (Labrador)	June 01 - Aug. 31
	Area North of Bluff Head Cove (Labrador)	July 01 - Sept. 30
2. 3K	Cape Bauld-Fogo Island (Nfld)	June 01 - Sept. 30
	Point Leamington Area, Stoneville to Carmanville (Nfld)	May 01 - Aug. 31
	Aspen Cove - Doating Cove	June 01 - Sept. 30
	Deadman's Bay - Lumsden (Nfld)	May 15 - Sept. 15
3. 3L	Lumsden - Cape Freels (Nfld)	June 01 - Sept. 30
	Cape Freels - Cape Race (Nfld)	May 15 - Oct. 15
	Portugal Cove South - St. Shotts (Nfld)	June 01 - Sept. 30
4. 3Ps	Point LaHaye - Cape St. Mary's (Nfld)	May 01 - Sept. 30
	Cape St. Mary's - Grandy Point (Nfld)	May 01 - Oct. 30
	Southeast Bight, Petite Forte and Monkstown (Nfld)	Apr. 01 - Sept. 15
	Boat Harbour - Corbin (Nfld)	May 01 - Oct. 30
	Little St. Lawrence - Point May (Nfld)	June 01 - Sept. 30
	Point May - Point Rosie (Nfld)	May 01 - Oct. 30
	St. Bernard's - English Hr. East	Apr. 01 - Sept. 30

ANNEX I (Cont'd)

NAFO DIVISIONS	AREA	ANNUAL PERIOD
	Rencontre East (Nfld)	Jan. 01 - June 30
	Pool's Cove - Burgeo (Nfld) (fishing consistently for a minimum of 7 months)	Feb. 01 - Nov. 30
5. 4R3Pn	Grand Bruit - Cape Anguille	6 months
	Cape Anguille - Kippens	Apr. 15 - July 31
	Port aux Port - Cape St. Gregory	Apr. 15 - Aug. 31
	Cape St. Gregory - Barletts Harbour	May 01 - Oct. 31
	New Ferolle - Cape Bauld	June 01 - Oct. 31
	L'Anse Au Clair - Cape Charles	June 01 - Sept. 30
6. 4ST	Prince Edward Island, New Brunswick and Nova Scotia	2.5 months
	Quebec	3 months
7. 4VWX	Cape North, Victoria County, Nova Scotia to and including Queen's County, Nova Scotia	6 months
	Shelburne and Yarmouth Counties, Nova Scotia	8 months
	Digby County, Nova Scotia, and Annapolis County, Nova Scotia, to and including Parker's Cove	6 months
	East of Parker's Cove, Annapolis County, Nova Scotia to Saint John Harbour, New Brunswick including the Saint John River System	4 months
	West of Saint John Harbour, New Brunswick to U.S. Border	6 months

ANNEX II

(2.4)

LIMITED ENTRY FISHERIES

DEPARTMENT OF FISHERIES AND OCEANS REGIONS

SPECIES	SCOTIA-FUNDY	QUEBEC	NEWFOUNDLAND	GULF
Bass (striped)	OA	P	N/A	X
Char	N/A	P	OA <sup>15</sup>	OA
Gaspereau	X	P	N/A	X
Salmon	X	P	X	X
Silverside	N/A	OA	N/A	X
Shad	X	P	N/A	X
Sturgeon	X	P	N/A	X
Trout	N/A	P	OA <sup>15</sup>	P
Eels	X <sup>1</sup>	P	X	X
Capelin	N/A	OA <sup>16</sup>	X	X
Herring	X <sup>2</sup>	X	X <sup>9</sup>	X
Mackerel	X	X	OA <sup>13</sup>	X
Shark	NL	NL	NL	NL
Swordfish	X <sup>4</sup>	N/A	N/A	X <sup>4</sup>
Tuna	X	X	X	X
Clams	NL <sup>5</sup>	NL <sup>5</sup>	NL	NL <sup>5</sup>
Crab (Snow)	X	X	X <sup>3</sup>	X
Crab (Other)	X	X	X	X
Lobster	X	X	X <sup>10</sup>	X
Mussels	NL	OA	NL	NL
Oysters	OA	OA	NL	X
Scallops	X	X	X <sup>11</sup>	X
Sea Urchins	OA	OA <sup>17</sup>	OA	OA
Shrimp	X	X	X	X
Squid	OA <sup>6</sup>	OA <sup>6</sup>	OA <sup>14</sup>	OA <sup>6</sup>
Smelt	OA	P	OA	X
Marine Plants	X <sup>7</sup>	X	NL	X
Seals	X	X	X	X
Groundfish	X <sup>8</sup>	X	X <sup>12&amp;8</sup>	X <sup>8</sup>
Whelk	OA	X	OA	OA

FOOTNOTE NUMBER - Number denotes specific limited entry requirements  
described in the next page

OA - Open Access

X - Limited Entry

N/A - Not Applicable to Area

NL - No Licence Currently Required

P - Provincially Administration

FOOTNOTES:

1. Limited Entry on Saint John River System only
2. Limited Entry except in Upper Bay of Fundy where new gillnet licences are being issued to recreational fishermen (1 net)
3. Except to full-time fishermen with vessels less than 35' LOA in NAFO Division 2J 3K 3Ps.
4. Limited Entry except for harpoon licences which can be issued to any fisherman who holds another limited entry licence.
5. No Licence required except for mechanical and hydraulic harvesters where each application is ruled on separately.
6. Open access under 65' LOA providing applicant is licensed for same gear type eg. groundfish otter trawl may be licensed for squid otter trawl. No licence required for jigging from vessel under 65' LOA. Over 65' LOA requires HQ approval.
7. Drag rakes are Limited Entry - hand raking is open access.
8. Limited Entry except for handlines where no licence issued.
9. Herring bar seine and purse seine is limited entry; herring fixed gear licences available to full-time fishermen registered and licensed with Newfoundland Region with vessel under 65' LOA.
10. Lobster Fishing Areas 4,5,10,11 are Limited entry; Open access in Areas 3,6,7,8,9 to full-time fishermen who have been licensed as such for the past 5 years and are residents of the above fishing areas with vessels under 35' LOA.

11. Limited entry for vessel 35' and greater LOA; open access for full-time fishermen registered and licensed with Newfoundland Region with vessel under 35' LOA.
12. Groundfish fixed gear licences open to all full-time fishermen registered and licensed with the Newfoundland Region with vessels under 35' LOA.
13. Mackerel fixed gear licences available to all fishermen registered and licensed with the Newfoundland Region with vessels under 65' LOA; mackerel purse seine and bar seine licences available to full-time fishermen registered and licensed with the Newfoundland Region with vessels under 65' LOA.
14. Open to all fishermen licensed and registered with the Newfoundland Region with vessels under 65' LOA.
15. Open to resident of Labrador who are not full-time employed (12 months per year)
16. Open access for fixed gear.
17. Scuba Diving licence only without mechanical or hydraulic devices.

**ANNEX III**  
**(2.5.1)**  
**HIGH PROFILE FISHERIES**

<u>REGION</u>	<u>FISHERIES</u>
Scotia-Fundy	Groundfish Lobster Scallop Herring (except gillnet and weirs)
Gulf	
Southern Gulf	All species
Western Nfld	Groundfish
Newfoundland	Groundfish
Quebec	Groundfish Lobster Crab Scallop

**ANNEX IV**  
**(2.7)**  
**PARTICIPATION REQUIREMENTS**

<u>REGION</u>	<u>FISHERY</u>	<u>REQUIREMENT</u>
Quebec Region	Shrimp Fishery	Minimum of 70t/year
Scotia-Fundy	Offshore Scallop Fishery	Must fish 10% of average landings of total fleet in one of the preceding two years.
Gulf	Bonafide Fisherman's Licensing Policy	Bonafide fishermen are allowed to hold their licences for a maximum of five (5) years without having to participate in the fishery.

ANNEX V

(4.1)  
APPEAL COMMITTEE STRUCTURE

FIRST LEVEL	CATEGORIZATION APPEAL AREA	LICENSING APPEAL AREA
(1) Committee Composition:	4 Fishermen 1 Independent 1 DFO representative (non-voting)	Area Manager/Director 4 DFO Representatives
(2) Reports to:	Area Manager/Director	Director of Operations
<hr/>		
SECOND LEVEL	REGIONAL	REGIONAL
(1) Committee Composition:	5 Independents	Senior Dept. Staff
(2) Reports to:	Regional Director General	Regional Director General
<hr/>		
THIRD LEVEL	Atlantic Fisheries Licence Review Board	Atlantic Fisheries License Review Board
(1) Committee Composition:	1 Chairperson appointed by the Minister  2 Persons from each Atlantic Province  1 (Non-voting) Departmental Officer	1 Chairperson appointed by the Minister  2 Persons from each Atlantic Province  1 (Non-voting) Departmental Officer
(2) Reports to:	Minister of Fisheries and Oceans	Minister of Fisheries and Oceans

**ANNEX VI**  
(2.2.1)

GENERAL ADMINISTRATIVE GUIDELINES  
FOR THE BONAFIDE FISHERMEN'S LICENSING POLICY  
DISTRICT 7B, 7B1, 7C, 8 AND GULF PORTION OF 6B

1985

LIGNES DE CONDUITE GÉNÉRALES SUR LA POLITIQUE DE  
DÉLIVRANCE DES PERMIS AUX PÊCHEURS BONAFIDE DES  
DISTRICTS 7B, 7B1, 7C, 8 ET 6B (PARTIE DU GOLFE)

1985

## GENERAL LICENSING POLICY GUIDELINES

This policy applies to all limited entry fisheries and specific commercial fisheries where a licence is required, except salmon. However, Fisheries where vessels over 50 feet L.O.A. are used are not included under this policy.

### DEFINITIONS

"Full-time seasonal employment" - means employment of 7 hours/day, 5 days/week.

"Licence" - means a limited fishery licence or specific fishery licence.

"Limited Fishery Licence" - means that licence which is issued in respect of the limited fisheries which are designated as such in Section 10 (2) of the Atlantic Fishing Registration and Licensing Regulations.

### A. CATEGORIZATION OF FISHERMEN

To be categorized as bonafide, a fisherman must:

- be registered as a commercial fisherman
- hold a limited fishery licence and meet one of the following three conditions:
  - (1) to be the holder of a Class A lobster licence
  - (2) to show proof of 75% or more of his income from fishing using his own boat and/or equipment except where this boat and/or equipment is not required.
  - (3) to show proof of sales of fish in 1983, landed value in excess of \$15,000, using his own boat and/or equipment except where this boat and/or equipment is not required.

## LIGNES DIRECTRICES GÉNÉRALES SUR LA POLITIQUE DE DÉLIVRANCE DES PERMIS

La présente politique s'applique à toutes les pêches restreintes et spécifiques commerciales qui sont régies par la délivrance de permis, à l'exception du saumon. Cependant, la politique ne vise pas les pêches exploitées par des bateaux d'une longueur hors tout dépassant 50 pieds.

### DÉFINITIONS

"Emploi saisonnier à plein temps" - un emploi exercé à raison de 7 heures par jour, 5 jours par semaine.

"Permis" - permis de pêche restreinte, permis de pêche spécifique.

"Permis de pêche restreinte" - le permis qui est délivré pour les pêches restreintes décrites au paragraphe 10 (2) du Règlement sur l'immatriculation et les permis pour la pêche dans l'Atlantique.

### A. CATÉGORISATION DES PÊCHEURS

Pour être reconnu comme Bonafide, le Pêcheur doit:

- être un pêcheur commercial inscrit
- détenir un permis de pêche restreinte et satisfaire à l'une des trois conditions suivantes:
  - (1) détenir un permis de pêche du homard de catégorie A
  - (2) prouver qu'il a tiré au moins 75% de son revenu de la pêche avec son propre bateau et son propre équipement, sauf lorsqu'il n'est pas nécessaire d'avoir un bateau ou de l'équipement.
  - (3) prouver qu'il a vendu du poisson, en 1983, capturé avec son bateau ou son équipement ou les deux, sauf lorsque le bateau ou l'équipement n'est pas nécessaire, pour plus de 15 000 \$ (valeur au débarquement).

To be categorized as Commercial a fisherman must:

- be registered as a commercial fisherman
- but does not meet any of the above three conditions

There will be no new fishermen categorized as bona fide in district 6B, 7B, 7B1, 7C, 8.

#### **B. GENERAL**

1. BONAFIDE FISHERMEN ONLY are eligible to new licences or to increase their amount of fishing gear at such time as permissible in accordance with sound biological and economic resources management principles.
2. Bonafide fishermen cannot have year-round employment or full-time seasonal employment during the period that coincides with the fishing season in which he or she may wish to fish, except those self-employed in the primary industries on a limited basis (e.g. fisherman/farmer or fisherman/logger).

In the event that a bona fide fisherman fishes and takes on year-round employment or full-time seasonal employment outside the fishery at the same time, he will be subject to be categorized as Commercial and/or to have his licence(s) cancelled.

3. Every limited fishery licence, specific fishery licence must be renewed each year or will be cancelled.
4. Fishermen cannot hold more than one licence in any one fishery other than those where different gear types are used in the same fishery (e.g. mackerel trap net and mackerel gill net).

On peut désigner comme pêcheur commercial tout particulier qui:

- est inscrit comme pêcheur commercial
- mais ne satisfait à aucune des trois conditions susmentionnées.

Aucun nouveau pêcheur ne sera catégorisé pêcheur Bonafide dans les districts 6B, 7B, 7B1, 7C et 8.

#### **B. GÉNÉRALITÉS**

1. SEULS LES PÊCHEURS BONAFIDE sont admissibles à recevoir des nouveaux permis ou à augmenter leur nombre d'engins de pêche lorsque le Ministère l'autorise, en conformité avec des principes valables de gestion des ressources économiques et biologiques.
2. Un pêcheur Bonafide ne peut occuper un emploi annuel ou un emploi saisonnier à plein temps durant la période qui coïncide avec la saison d'ouverture de la pêche à laquelle il veut prendre part, à l'exception des personnes qui travaillent à leur propre compte ou sur une base restreinte dans des industries primaires, c.-à-d. pêcheurs/fermiers ou pêcheurs/bûcherons.
3. Si un pêcheur Bonafide se livre à des activités de pêche accepte un emploi annuel ou un emploi saisonnier à plein temps à l'extérieur du domaine de la pêche et pendant la période de la pêche habituelle, il sera catégorisé pêcheur commercial ou verra son ou ses permis annulés, ou les deux.
4. Les permis de pêche restreinte et les permis de pêche spécifique doivent être renouvelés chaque année sans quoi ils seront annulés.
4. Un pêcheur ne peut détenir plus d'un permis pour la même pêche à moins qu'il ne s'agisse d'une pêche où divers engins sont utilisés (p. ex. parc en filet pour le maquereau et filet maillant pour le maquereau).

5. Bonafide fishermen are allowed to hold their licences for a maximum of five (5) years without having to participate in the fishery. Bonafide fishermen who bank their licences must return their licences to the Department and renew them annually together with required registration. Bonafide fishermen must return to the fishery within five years or their licences will be cancelled.
6. The holder of a limited licence or specific commercial fishery licence issued to him, must carry out fishing operations using a vessel registered under his name, except when a fishery officer has been notified and approved otherwise at which time a special limited time permit will be issued. When a vessel is not required for a particular fishery, the holder of the licence must fish his gear himself or be present when his gear is being fished.
7. In the event of sickness or injury to a fisherman, the local Fishery Officer may, at his discretion, issue a "Temporary Permit" authorizing another individual to operate the vessel or fish the gear. The permit, to be prepared on Departmental letterhead, must specify the exact period of validity based on the nature of the illness or injury but may be renewed, if necessary. Care must be taken not to issue temporary permits without proof of the sickness or injury.
5. Les pêcheurs Bonafide peuvent conserver leurs permis pendant une période maximale de cinq (5) ans sans avoir à participer à la pêche. Les pêcheurs Bonafide qui mettent leur permis en réserve doivent les rendre au Ministère et ils doivent renouveler chaque année les permis ainsi que les documents d'immatriculation voulus. Ils sont tenus de reprendre leurs activités de pêche dans les cinq ans qui suivent sans quoi, leurs permis seront annulés.
6. Le titulaire d'un permis de pêche restreinte ou d'un permis de pêche spécifique émis à son nom doit mener les activités de pêche autorisées se servant d'un bateau enregistré à son nom à l'exception que si l'officier de pêche a été avisé et approuve autrement, à ce moment-là un permis spécial de temps limité sera remis. Dans le cas de pêches qui n'exigent aucun bateau, le titulaire du permis doit exploiter ses engins lui-même ou être présent lors des activités de pêche.
7. Si un pêcheur tombe malade ou subit des blessures, l'agent des pêches de la localité peut, à sa discrédition, accorder un "permis temporaire" autorisant une autre personne à exploiter le bateau ou les engins de pêche. Le permis, dressé sur du papier à entête du Ministère, doit indiquer la période de validité précise, selon la nature de la maladie ou de la blessure; le permis pourra être renouvelé au besoin. Il faut éviter d'accorder des permis temporaires sans disposer d'une preuve attestant que le pêcheur est effectivement blessé ou malade.

#### C. TRANSFER OF LICENCES

1. Bonafide fishermen are allowed to transfer individual licences or all licences to other Bonafide fishermen but those transfers are not reversible. Different type of fishing gear checked on a licence issued to fish a single species cannot be split. Transfers of licences during a

#### C. TRANSFERT DES PERMIS

1. Les pêcheurs Bonafide peuvent transférer les permis particuliers ou tous leurs permis à d'autres pêcheurs Bonafide, mais ces transferts seront irréversibles. Les permis de pêche doivent être transférés en bloc, c.-à-d. que les méthodes et engins de pêche autorisés par le permis ne peu-

period of banking are also permitted.

2. Commercial fishermen are allowed to transfer licence(s) only to bona fide fishermen unless there is no transfer policy in effect.
3. Every licence obtained through a transfer, or should a new licence be issued, must be kept for a minimum period of 24 months before it can be re-transferred.
4. When a fisherman has transferred his licence(s) for a particular species, he will not be eligible to be relicensed for that species within 24 months of the date of transfer.
5. Bona fide fishermen are allowed to transfer their licences only as a package (no split of any kind), to a qualified new entrant.

To qualify as a new entrant, a person must meet the following three conditions:

- be registered as a commercial fisherman for the last two years;
- be recognized as a commercial fisherman within his or her local community;
- to have fished during the preceding two years a minimum of 10 weeks each year.

6. A bona fide fisherman will lose his status immediately after transferring his last transferable licence. If that licence has been transferred to a new entrant, he/she will become, at that time, a bona fide fishermen.
7. There should be no increase in the total number of bona fide fishermen.
8. Transfer of licences must follow the vessel replacement guidelines.

vent être divisés. Les permis de pêche mis en réserve peuvent également être transférés.

2. Les pêcheurs commerciaux ne peuvent transférer leurs permis qu'à des pêcheurs Bona fide à moins qu'il y ait une politique de non-transfert à cet effet.
3. Tout nouveau permis reçu du Ministère ou obtenu par transfert ne peut être transféré avant une période minimale de 24 mois.
4. Tout pêcheur qui transfère un permis visant une espèce particulière devra attendre au moins 24 mois après la date du transfert avant d'être admissible à recevoir un nouveau permis pour la même espèce.
5. Les pêcheurs Bona fide ne peuvent transférer leurs permis qu'en bloc (pas séparément) à des pêcheurs nouvel arrivant.

Pour qualifier comme nouvel arrivant, il faut satisfaire aux trois conditions suivantes:

- être inscrit comme pêcheur commercial durant les deux années précédentes;
- être reconnu comme pêcheur commercial dans sa localité;
- avoir pêché au moins 10 semaines pendant chacune des deux années précédentes.

6. Un pêcheur Bona fide perdra son statut de pêcheur Bona fide dès qu'il aura transféré son dernier permis de pêche transférable. Si le permis est transféré à un nouveau pêcheur, ce dernier devient du même coup pêcheur Bona fide.
7. Il ne devrait y avoir aucun accroissement du nombre total de pêcheurs Bona fide.
8. Le transfert des permis de pêche est soumis aux mêmes lignes directrices régissant le remplacement de bateaux.

9. In the lobster fishery, only Class A licences are transferable.
10. Transfer of any licences between lobster fishing districts or provinces is not permitted except in the Gulf area of Nova Scotia. With the exception of lobsters and scallops all licences may be transferred within the boundaries of the Gulf area of Nova Scotia.
11. In the case of death of a fisherman, licences will be transferred to the estate. In all cases, the estate will have a maximum of five (5) years to transfer the licence(s) or become a new entrant under eligibility guidelines see #5 above.
9. Dans le cadre de la pêche du homard, seuls les permis de catégorie A sont transférables.
10. Il est interdit de transférer des permis de pêche entre des arrondissement de pêche du homard ou provinces, sauf dans le Secteur de la Nouvelle-Écosse Golfe. A l'exception du homard et de pétoncles tous permis peut être transféré en dedans des limites du secteur de la Nouvelle-Écosse Golfe.
11. Dans le cas du décès d'un pêcheur, les permis seront transférés à la succession. Dans chaque cas, on aura au maximum cinq (5) ans pour transférer le ou les permis ou s'inscrire comme nouveau pêcheur.

SUBAREAS AND  
DIVISIONS OF THE  
NAFO CONVENTION  
AREA

SOUS-ZONE ET  
DIVISIONS DE LA ZONE  
DE LA CONVENTION  
DE L'OPANO

Boundary of Inventor Area —  
Frontière de la zone inventoriée  
Boundary of Subareas —  
Frontière de sous-zones  
Boundary of Divisions —  
Frontière de divisions  
Depth contour 100 fathoms —  
Profondeur de 100 fathoms  
Slope of 50 fathoms —  
Pente de 50 fathoms

